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PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/886,855	06/21/2001	Nikos P. Pitsianis	800.0053	8039	
27997 75	590 01/09/2006		EXAM	EXAMINER	
PRIEST & GOLDSTEIN PLLC			RAMPURIA	RAMPURIA, SATISH	
5015 SOUTHP	ARK DRIVE				
SUITE 230			ART UNIT	PAPER NUMBER	
DURHAM, NO	C 27713-7736		2191	•	

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
		09/886,855	PITSIANIS ET AL.			
	Office Action Summary	Examiner	Art Unit			
		Satish S. Rampuria	2191			
	The MAILING DATE of this communication app	ears on the cover sheet with the c	orrespondence address			
Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)[]	Responsive to communication(s) filed on 22 N	ovember 2005.				
	This action is FINAL . 2b) ☐ This action is non-final.					
3) 🗌	· ·					
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Dispositi	on of Claims					
4) 🖂	4)⊠ Claim(s) <u>1-36</u> is/are pending in the application.					
•	4a) Of the above claim(s) is/are withdrawn from consideration.					
5)	5) Claim(s) is/are allowed.					
6)⊠	☑ Claim(s) <u>1-36</u> is/are rejected.					
•	Claim(s) is/are objected to.					
8) 🗌	Claim(s) are subject to restriction and/o	r election requirement.				
Applicati	on Papers					
9) ☐ The specification is objected to by the Examiner.						
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority u	under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
		or the doraned copies not reserve				
Attachmen	t(s)					
1) Notic	e of References Cited (PTO-892)	4) Interview Summary				
	e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Paper No(s)/Mail Da 5) Notice of Informal P	ate Patent Application (PTO-152)			
Paper No(s)/Mail Date 6) Other:						

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Response to Amendment

1. This action is in response to the Amendment filed on Nov. 22, 2005.

2. The rejection under 35 U.S.C. §101 to claims 1, 15, 16, and 18 is withdrawn in view of Applicants amendment.

- 3. Claims amended by the Applicant: 1, 15, 16, 18, 19, 34, and 36.
- 4. Claims pending in the application: 1-36.

Response to Arguments

- 5. Applicant's arguments with respect to claims have been considered but they are not persuasive.

 In the remarks, the applicant has argued that:
 - (i) Faraboschi addresses a totally different problem of compacting VLIW instructions by eliminating NOP codes form an instructions as compare to present invention addresses techniques for allocating VLIW instructions to VLIW instructions memory (VIM) as claimed in claim 1 (Remarks, page 13).
 - (ii) Roediger does not address "allocating at least some of the plurality of VLIW instructions to VIM based on the lifetime of said plurality of VLIW instructions" as claimed in claim 1 (Remarks, page 15).
 - (iii) The office action suggests that Roediger and Faraboschi should be combined "to provide faster exaction of [a] program." There is no suggestion to combine these two references in the manner outlined by the Examiner (Remarks, page 15).
 - (iv) Roediger does not teach and does not suggest determining the lifetime of a VLIW instruction as presently claimed (Remarks, page 17).
 - (v) McKinsey does not disclose and does not make obvious determining the lifetime of a VLIW instruction by "determining a control glow graph for the input source program containing said

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plurality of VLIW instructions; determining a VLIW flow graph for said plurality of VLIW instructions; an determining a VLIW interference graph," as claimed in claim 2 (Remarks, page 18).

(vi) Chaitin does not teach and does not suggest "coloring the VLIW graph nodes such that adjacent VLIW nodes are colored in different colors and each color corresponds to a different VIM line," as presently claimed in claims 18 and 36 (Remarks, page 19).

Examiner's response:

- (i) In response to Applicant's argument, regarding the limitation allocating VLIW instructions to VLIW instructions memory (VIM), Faraboschi discloses compacting or optimizing the VILW instructions for storing compact instructions where Faraboschi eliminates the NOP instructions to save the storage area which is similar to efficiently allocating VILW instructions to memory as disclosed in present invention (see Applicant's specification, page 2, lines 5-15). Therefore, the rejection is proper and maintained herein.
- (ii) In response to Applicant's argument, regarding Roediger does not address "allocating at least some of the plurality of VLIW instructions to VIM base on the lifetime of said plurality of VLIW instructions" as claimed in claim 1. It should be noted by the Applicants that Roediger is used to reject the limitation "determining a lifetime of each of said plurality of VLIW instructions" (see the rejection above and previous office action). Rather, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Therefore, the rejection is proper and maintained herein.

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(iii) In response to Applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it is noted that the rejection clearly points out where the combination of Faraboschi and Roediger teach the claimed features and why it would have been obvious to combine their teachings. Specifically, the rejection points out that the motivation to "determine the lifetime of plurality of VLIW instructions" would be to provide the faster execution of a computer program so that the compiler does not have to determine the life of a instruction during the run time. Applicant only makes general allegations. Therefore, the rejection is proper and maintained herein.

- (iv) In response to Applicant's argument, the argument is similar to those in argument (iii), therefore, the response is same to the argument as applies to argument (iii), above.
- (v) In response to Applicant's argument, McKinsey does disclose determine control flow graph for VLIW instructustion, determining a VLIW interference graph (See the rejection below). Further, McKinsey does provide the motivation that why it would have been obvious to combine the teachings of Roediger, Faraboschi and McKinsey. Applicant only makes general allegations.

 Therefore, the rejection is proper and maintained herein.
- (vi) In response to Applicant's argument, Chaitin specifically teaches graph coloring techniques for registers/nodes, as claimed in the present application. Applicant only makes general allegations.
 Therefore, the rejection is proper and maintained herein.

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6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Claim Rejections – 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1, 10, 11, 12, 13, 14, 15, 19, and 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,930,508 to Faraboschi et al. (hereinafter called Faraboschi) in view of US Patent No. 6,305,014 to Roediger et al. (hereinafter called Roediger).

Per claims 1 and 10:

Faraboschi disclose:

A computer implemented method of indirect very long instruction word (VLIW) instruction memory (VIM) allocation (col. 3, lines 1-2 "method for storing and decoding instructions for a microprocessor") comprising the steps of:

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- identifying a plurality of VLIW instructions in an input source program (col. 3, lines 2-3 "identifying

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each word of an instruction");

- allocating at least some of the plurality of VLIW instructions VIM based on the lifetime of each of said

plurality of VLIW instructions (col. 3, lines 13-15 "stores instructions in the same format resulting in

better utilization of on-chip cache memory").

Faraboschi does not explicitly disclose determining a lifetime of each of said plurality of VLIW instructions.

However, Roediger discloses in an analogous computer system determining a lifetime of each of said

plurality of VLIW instructions (col. 1, lines 62-65 "determining the lifetimes of fixed registers in the computer

program. By determining the lifetimes of fixed registers, the instruction scheduler can achieve a schedule that

has a higher degree of parallelism") the lifetime of a VLIW instruction including the interval of time between

loading the VLIW instruction to VIM and the last time the VLIW instruction is executed (See FIG. 12 and

related discussion).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention

was made to incorporate the method of determining the lifetime of the registers as taught by Roediger into the

method of storing and decoding instructions for a microprocessor as taught by Faraboschi. The modification

would be obvious because of one of ordinary skill in the art would be motivated to determine lifetime for

VLIW instruction to provide faster execution of computer program as suggested by Roediger (col. 1, lines 37-

57).

Per claims 11, 12:

The rejection of claim 1 is incorporated, and further, Faraboschi doe not explicitly disclose shortening the life of a particular VLIW by placing an initialization LV statement adjacently prior to the use of its corresponding XV statement.

However, Roediger disclose in an analogous computer system shortening the life of a particular VLIW by placing an initialization load VLIW (LV) statement (col. 10, lines 37-43 "The instructions is removed from the conditional dependence graph... instruction is analyzed to determine if it has a conditional dependence on another instruction... If... instructions... conditional dependence... begin an independent lifetime of a bottleneck...") adjacently prior to the use of its corresponding execute VLIW (XV) statement (col. 10, lines 49-52 "instructions... lifetime of the bottleneck... defined... instructions... scheduled prior to any instruction in other lifetime").

The feature of shortening the life of a particular VLIW by placing an initialization LV statement adjacently prior to the use of its corresponding XV statement would be obvious for the reasons set forth in the rejection of claim 1.

Per claims 13 and 14:

The rejection of claim 1 is incorporated, and further, Faraboschi doe not explicitly disclose utilizing a coalescing heuristic to reduce VIM requirements of a program.

However, Roediger disclose in an analogous computer system utilizing a coalescing heuristic to reduce VIM requirements of a program (col. 10, lines 59-63 "First we select the sub instruction... remove the sub instruction from the conditional dependence graph". Also, fig. 12 and related discussion).

The feature of utilizing a coalescing heuristic to reduce VIM requirements of a program would be obvious for the reasons set forth in the rejection of claim 1.

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Per claim 15:

Faraboschi disclose:

- A computer implemented method of optimizing the execution time of a user program by reducing

redundant loads of very long instruction word (VLIW) instruction memory (VIM) (col. 2, lines 66-67

"The present invention includes an instruction encoding method to reduce or eliminate NOPs in VLIW

instructions") comprising the steps of:

selecting a load VLIW (LV) instruction in a current node (col. 3, lines 2-3 "identifying each word of an

instruction that does not contain a NOP code"); and

Faraboschi doe not explicitly disclose placing the LV instruction in a new node which is closer to a program

start node.

However, Roediger disclose in an analogous computer system placing the LV instruction in a new node

which is closer to a program start node (col. 10, lines 37-43 "The instructions is removed from the conditional

dependence graph... instruction is analyzed to determine if it has a conditional dependence on another

instruction... If... instructions... conditional dependence... begin an independent lifetime of a bottleneck...").

The limitation regarding the execution frequency in the body of the claim does not given any patentable weight

because the preamble of the claim does not recite any limitation related to execution frequency.

The feature of shortening the life of a particular VLIW by placing an initialization LV statement

adjacently prior to the use of its corresponding XV statement would be obvious for the reasons set forth in the

rejection of claim 1.

Claims 19, 28-31, 32, 33 are the apparatus claim corresponding to method claims 1, 10-14, 11, 15 respectively, and rejected under the same rational set forth in connection with the rejection of claims 1, 10-14, 11, 15 respectively, above.

9. Claims 2, 3, 4, 5, 6, 7, 8, 9, and 20-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faraboschi, Roediger in view of US Patent No. 6,675,380 McKinsey et al. (hereinafter called McKinsey).

Per claim 2:

Neither Faraboschi nor Roediger explicitly disclose determining a control flow graph for the input source program containing said plurality of VLIW instructions; determining a VLIW flow graph for said plurality of VLIW instructions; and determining VLIW interference graph.

However, McKinsey discloses in an analogous computer system determining a control flow graph for the input source program containing said plurality of VLIW instructions (col. 5, lines 29-30 "The control flow graph... is made up of blocks of instructions". Also, see fig. 7 and related discussion); determining a VLIW flow graph for said plurality of VLIW instructions (col. 5, lines 31-32 "Each block... contains one or more instructions that will execute in an order defined by the control follow graph". Also, see fig. 7 and related discussion); and determining VLIW interference graph (col. 5, lines 31-32 "Each block... contains one or more instructions that will execute in an order defined by the control follow graph". Also, see fig. 7 and related discussion).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of using control flow graph to determine instructions (VLIW) as taught by McKinsey into the method of storing and decoding instructions for a microprocessor as taught in combination system by Faraboschi and Roediger. The modification would be obvious because of one of ordinary skill in the

art would be motivated to use control flow graph to improve the instruction execution performance of a processor as taught by McKinsey (col. 1, lines 55-67).

Per claim 3:

The rejection of claim 2 is incorporated, and further, Neither Faraboschi nor Roediger explicitly disclose solving VLIW flow equations.

However, McKinsey discloses in an analogous computer system solving VLIW flow equations (figs. 10, 11, 13A and 13B).

The feature of solving VLIW flow equations would be obvious for the reasons set forth in the rejection of claim 2.

Per claims 4, 5:

The rejection of claim 2 is incorporated, and further, Neither Faraboschi nor Roediger explicitly disclose a plurality of nodes which correspond to basic blocks of the VLIW instructions; and a plurality of edges, wherein each edge corresponds to a jump or a call from a given basic block to another basic block.

However, McKinsey discloses in an analogous computer system a plurality of nodes which correspond to basic blocks of the VLIW instructions (col. 4, lines 63-64 "blocks... referred to as nodes in the control flow graph"); and a plurality of edges, wherein each edge corresponds to a jump or a call from a given basic block to another basic block (col. 5, lines 39-41 "The directed edge determine the relationship between predecessor blocks and successor blocks in the control flow graph").

The feature of plurality of nodes which correspond to basic blocks and edges corresponds to a jump or a call from a given basic block to another basic block would be obvious for the reasons set forth in the rejection of claim 2.

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Per claims 6 and 7:

The rejection of claim 5 is incorporated, and further, Neither Faraboschi nor Roediger explicitly disclose determining live-in sets and live-out sets for each of said plurality of nodes and wherein the VLIW flow graph comprises the control flow graph and the live-in sets and live-out sets for each of said plurality of nodes.

However, McKinsey discloses in an analogous computer system determining live-in sets and live-out sets for each of said plurality of nodes (col. 4, lines 63-64 "blocks... referred to as nodes in the control flow graph" and col. 10, lines 6-9 "The method begins... determines... computers a "live on exit" value") and wherein the VLIW flow graph comprises the control flow graph and the live-in sets and live-out sets for each of said plurality of nodes (col. 4, lines 63-64 "blocks... referred to as nodes in the control flow graph").

The feature of determining live-in sets and live-out sets and VLIW flow graph comprises the control flow graph and the live-in sets and live-out sets would be obvious for the reasons set forth in the rejection of claim 5.

Per claim 8:

The rejection of claim 7 is incorporated, and further, Neither Faraboschi nor Roediger explicitly disclose determining an interference graph in which every node of the interference graph corresponds to one of said plurality of VLIW instructions.

However, McKinsey discloses in an analogous computer system determining an interference graph in which every node of the interference graph corresponds to one of said plurality of VLIW instructions (col. 6, lines 42-44 "The dependence graph... includes nodes... each representing a single instructions").

The feature of determining an interference graph for VLIW instructions would be obvious for the reasons set forth in the rejection of claim 7.

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Per claim 9:

The rejection of claim 8 is incorporated, and further, Neither Faraboschi nor Roediger explicitly disclose inserting an undirected edge into the interference graph between two VLIW nodes if the two VLIW instructions belong to a live-out set of the same node of the VLIW flow graph; and coloring the interference graph nodes such that adjacent interference nodes are colored in different colors and each color corresponds to a different VIM line.

However, McKinsey discloses in an analogous computer inserting an undirected edge into the interference graph between two VLIW nodes if the two VLIW instructions belong to a live-out set of the same node of the VLIW flow graph (col. 5, lines 39-41 "The directed edges determine the relationship between predecessor blocks and successor blocks in the control follow graph"); and coloring the interference graph nodes such that adjacent interference nodes are colored in different colors and each color corresponds to a different VIM line. It would be obvious for one skilled in the art to color the graph nodes to distinguish from one another.

The feature of determining an interference graph for VLIW instructions would be obvious for the reasons set forth in the rejection of claim 8.

Claims 20-27 are the apparatus claim corresponding to method claims 2-9 respectively, and rejected under the same rational set forth in connection with the rejection of claims 2-9 respectively, above.

Claims 18 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKinsey in view of 10. Faraboschi and further in view of the published document by Chaitin (hereinafter called Chaitin) in 1982.

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Per claim 18:

McKinsey disclose:

- determining an interference graph from the VLIW flow graph, the interference graph comprising VLIW

nodes in which every VLIW node of the interference graph corresponds to one VLIW instruction (col. 6,

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lines 42-44 "The dependence graph... includes nodes... each representing a single instructions");

inserting an undirected edge into the interference graph between two VLIW nodes if the two VLIW

instructions belong to a live-out set of the same node of the VLIW flow graph (col. 5, lines 39-41 "The

directed edges determine the relationship between predecessor blocks and successor blocks in the

control follow graph"); and

Mckinsey does not explicitly disclose VLIW instruction and determining live-out sets for the plurality of nodes,

the live-out sets and the control graph defining a VLIW flow graph.

However, Faraboschi discloses in an analogous computer a method for compacting VLIW instructions

(See FIG. 7 and related discussion) and determining live-out sets for the plurality of nodes, the live-out sets and

the control graph defining a VLIW flow graph (col. 4, lines 63-64 "blocks... referred to as nodes in the control

flow graph" and col. 10, lines 6-9 "The method begins... determines... computers a "live on exit" value") and

wherein the VLIW flow graph comprises the control flow graph and the live-in sets and live-out sets for each of

said plurality of nodes (col. 4, lines 63-64 "blocks... referred to as nodes in the control flow graph").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention

was made to incorporate the method of compacting the VLIW instructions as taught by Faraboschi into the

method of storing and decoding instructions for a microprocessor as taught by McKinsey. The modification

would be obvious because of one of ordinary skill in the art would be motivated to use control flow graph to

improve the instruction execution performance of a processor as taught by McKinsey (col. 1, lines 55-67).

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Neither McKinsey nor Faraboschi discloses coloring the VLIW graph nodes such that adjacent VLIW nodes are

colored in different colors and each color corresponds to a different VIM line.

However, Chaitin discloses in an analogous computer coloring the VLIW graph nodes such that adjacent

VLIW nodes are colored in different colors and each color corresponds to a different VIM line (page 99, section

2. OVERVIEW OF REGISTER ALLOCATION "... Next we use the... observation in order to construct a 32-

coloring... find a 32-coloring of graph G having a not N of degree less that 32...reduced graph G' only has

nodes of degree 32 or greater").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention

was made to incorporate the method of coloring the graph differently as taught by Chaitin into the method of

storing and decoding instructions for a microprocessor as taught by the combination system of McKinsey and

Faraboschi. The modification would be obvious because of one of ordinary skill in the art would be motivated

to use the coloring technique to improve the performance of CPU as taught by Chaitin (page 98, section

1. Introduction).

Claim 36 is the apparatus claim corresponding to method claim 18 and rejected under the same rational set forth

in connection with the rejection of claim 18 above.

Claims 16-17 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKinsey in

view of Faraboschi.

Per claims 16-17:

McKinsey disclose:

- A computer implemented method to statically determine liveness of indirect very long instruction word (VLIW) instructions (col. 10, lines 7-9 "determines whether I is a store or a branch instructions, or if I computes a "live on exit" value") comprising the steps of:
- determining a control flow graph which includes nodes representing basic program blocks (col. 4, lines 63-64 "blocks... referred to as nodes in the control flow graph"), and edges connecting the nodes which represent jumps and calls from one block to another block (col. 5, lines 39-41 "The directed edge determine the relationship between predecessor blocks and successor blocks in the control flow graph"); and
- determining a live-in set and a live-out set of VLIW instructions for each node in the control graph to define a VLIW flow graph, a live-in set for a node comprises the VLIW instructions that are used in the node, comprises a union of live-in sets of successor nodes, the determining step further including solving VLIW flow equations for the live-in set and the live-out set (figs. 10, 11, 13A and 13B).

Mckinsey does not explicitly disclose VLIW instruction.

However, Faraboschi discloses in an analogous computer a method for compacting VLIW instructions (See FIG. 7 and related discussion).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of compacting the VLIW instructions as taught by Faraboschi into the method of storing and decoding instructions for a microprocessor as taught by McKinsey. The modification would be obvious because of one of ordinary skill in the art would be motivated to use control flow graph to improve the instruction execution performance of a processor as taught by McKinsey (col. 1, lines 55-67).

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Claims 34-35 are the apparatus claim corresponding to method claims 16-17 respectively, and rejected under the same rational set forth in connection with the rejection of claims 16-17 respectively, above.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satish S. Rampuria whose telephone number is (571) 272-3732. The examiner can normally be reached on 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wei Y**. Zhen can be reached on (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application
Information Retrieval (PAIR) system. Status information for published applications may be obtained from
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Satish S. Rampuria Patent Examiner Art Unit 2124 01/09/2006

> WEI ZHEN SUPERVISORY PATENT EVAL